

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Ferguson et al.

Patent No.: 7,593,380

Filed: March 5, 1999

For: VARIABLE RATE FORWARD ERROR
CORRECTION FOR ENABLING HIGH
PERFORMANCE COMMUNICATION

Issued: September 22, 2009

Our File: TAN-2-1488.01.US

Date: February 8, 2010

**REQUEST FOR RECALCULATION OF PATENT
TERM ADJUSTMENT IN VIEW OF WYETH**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Interim Procedures for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in *Wyeth v. Kappos* Regarding the Overlapping Delay Provision of 35 U.S.C.154(b)(2)(A), Applicants respectfully request recalculation of the Patent Term Adjustment for United State Patent No. 7,593,380 issued on September 22, 2009. The Patentees' sole basis for requesting reconsideration of the patent term adjustment in the patent is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). Form PTO/SB/131 is being filed within 180 days of the day the patent was granted.

Applicant: Ferguson et al.
Patent No.: 7,593,380

If there any additional required, the Patentee respectfully requests that the undersigned be contacted.

Respectfully submitted,

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Enclosure